

**U.S. DEPARTMENT OF COMMERCE  
TELEWORK PROGRAM**



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## **BACKGROUND**

Telework refers to paid employment performed away from the conventional office, either at home or at an alternative worksite, for an agreed-upon portion of the workweek. Telework should not be confused with home-based businesses or independent contractor arrangements in the home. It also differs from situations where employees permanently work out of their home, traveling daily to clients or audit and inspection sites on premises not controlled by their employers. Telework is also known as telecommuting, flexiplace, and work-at-home.

The 2001 Department of Transportation appropriations measure, which became law in October 2000 (Public Law 106-346), requires agencies to establish policies allowing eligible employees to telework "to the maximum extent possible without diminishing employee performance." The law also directs OPM to ensure that the requirement applies to at least 25 percent of the Federal workforce within six months, and to an additional 25 percent each year thereafter.

## **POLICY**

Telework Implementation Plans - In accordance with Section 359 of Public Law 106-346, it is the Department of Commerce (DOC) policy to allow eligible employees to work at sites away from their official workplaces during all or a portion of their regular workweek. To implement this policy to the fullest extent possible, the Department's bureaus and operating units will each establish a telework implementation plan that:

- specifies the types of positions or duties within positions that are suitable for telework;
- authorizes the expenditure of funds to cover expenses associated with approved telework arrangements, subject to funding availability and managerial discretion;
- establishes a process for approving telework arrangement;
- approves individual telework arrangements;
- provides for orientation and training of new teleworkers and their supervisors regarding the program and their responsibilities; and
- establishes procedures for administering and evaluating the telework program in their bureaus/operating units.

Congress has showed its continuing interest in telework in the Federal Government through the enactment of Public Law 108-447 in December of 2004, which encourages agencies to increase telework participation and requires specific agencies, including DOC, to make telework opportunities available to 100 percent of the eligible workforce.

Approving Official - Telework implementation plans will identify the official in the bureau/operating unit who approves telework arrangements. Approving officials must be at a sufficiently high level within the bureau/operating unit to ensure adequate review and control.



When the official is someone other than an employee's immediate supervisor, the supervisor must concur regarding the duties to be performed at the alternative worksite and the employee's eligibility to participate.

Voluntary Participation - Employee participation in telework is voluntary and employees may terminate their participation at any time. While telework is a management option, bureaus or operating units may not direct or coerce employees to participate. Written agreements documenting the terms and conditions of regularly scheduled telework arrangements will be drafted and maintained in accordance with the telework implementation plan.

Modification and Termination - Telework is a management option rather than an employee benefit and does not change the terms and conditions of employment. The operational needs of the bureau/operating unit are paramount. Employees who telework do not have an automatic right to continue to telework. Telework arrangements may be modified, adjusted, or terminated at any time deemed necessary by management or when requested by an employee. Management has the right at any time to end an employee's use of telework, if, for example, the employee's performance declines or if the telework arrangement no longer meets the organization's needs. Participation in telework will be terminated when the employee no longer meets the eligibility criteria.

Management shall provide sufficient notice, when feasible, before modifying or terminating a telework agreement to allow the affected employee to make necessary arrangements. The reason for termination will be documented in a Termination Agreement (see Exhibit A, "Sample Termination Form") signed by the approving official and furnished to the affected employee. Consent or acknowledgment via signature by the affected employee is not required for the termination of telework to take effect.

Equal Opportunity - Participation in telework is open to all eligible employees without regard to race, color, gender, religion, national origin, marital status, age, disability, or sexual orientation.

Standards of Conduct and Ethics - Employees who telework are expected to comply with the DOC standards of conduct and ethics contained in Departmental Administrative Order (DAO) 202-735-A, while working at the alternative worksite. DAO 202-735-A is available at <http://www.commerce.gov/OS/index.htm>. Failure to comply may result in termination of the telework agreement and disciplinary action for misconduct.

Labor-Management Relations - In bureaus/operating units where employees are represented by a labor organization accorded exclusive recognition, management is obligated to notify the labor organization of its intent to implement this policy and negotiate in good faith, as appropriate. Bureaus/operating units are encouraged to involve labor unions at the earliest stages of planning and implementation. Nothing in this policy shall abrogate or override any collective bargaining agreements in effect on the date this policy is issued.

## SCOPE

The provisions of this document apply to all supervisory and non-supervisory employees participating in the DOC Telework Program. These provisions do not apply to employees serving probationary or trial periods or for student interns unless an exception is authorized by the DOC Office of Human Resources Management (OHRM) based on operational need. For purposes of telework, the alternative worksite is considered to be an official Government worksite. The conventional worksite will continue to be the official duty station of an employee who teleworks (see discussion on “Identifying the Official Duty Station”).

## PROGRAM OVERSIGHT AND RESPONSIBILITIES

The Departmental Office of Human Resources Management (OHRM) is responsible for Departmental oversight of the DOC Telework Program and any reporting requirements to the Office of Personnel Management (OPM). OHRM shall approve and monitor the various implementation plans to assure consistency across the bureaus and operating units in the implementation of the DOC telework program. OHRM shall periodically review telework approvals and disapprovals to ensure consistency of application, direct changes as necessary, and provide training as required.

Each Bureau/Operating Unit is responsible for the development, funding, administration (including naming a bureau telework coordinator), operation and evaluation of its telework implementation plan. Each bureau/operating unit shall provide a copy of its telework implementation plan to OHRM prior to the plan's implementation. No such plan shall be implemented without the prior approval of the OHRM.

Approving officials authorize participation in the telework program. Approving officials are responsible for documenting approval and disapproval decisions and the rationale for such decisions, for each employee request to participate in the telework program. Upon request, approving officials are required to provide to OHRM documented approvals and disapprovals to allow monitoring of the program for consistency among approving officials.

Supervisors are responsible for the overall management and success of teleworking within their work units, including day-to-day operations, modifications to individual telework agreements to meet mission needs or changing circumstances, and maintaining records and information necessary for evaluation of the program.

Principal and servicing human resources managers are responsible for providing advice and assistance to client operating units on the telework program.

## **TYPES OF TELEWORK**

Telework is typically work performed away from the conventional office, either at home or at an alternative worksite, for an agreed-upon portion of the workweek. Bureaus and operating units may also authorize the following types of telework based on their organizational needs:

Hoteling - This type of flexible telework allows the employee to work in one worksite (worksite A, usually the employee's home) part of the time and at one of the other alternative worksites (worksite B) the rest of the time. When working in worksite B, the employee uses nondedicated, nonpermanent workspaces assigned for use by reservation on an as-needed basis.

Hot-Desking - This type of flexible telework allows the employee to work in one worksite (worksite A, usually the employee's home) part of the time and at one of the other alternative worksites (worksite B) the rest of the time. When working in worksite B, the employee uses nondedicated, nonpermanent workspaces assigned on a first come, first served basis.

Virtual Office or Virtual Workplace - This type of telework allows employees to work cooperatively from different locations using a computer network in lieu of a conventional office setting. The physical locations of the employees working in a virtual office can be temporary or permanent and can be located almost anywhere (e.g., a headquarters office with shared workspace, a satellite office, etc.).

## **IDENTIFYING JOBS AND DUTIES SUITED FOR TELEWORK**

Although many positions are suitable for telework, not all aspects of all jobs can be performed at an alternative worksite. Each bureau/operating unit must identify the positions that are suitable for telework as well as those positions that, when considered in their entirety, are not.

Work suitable for telework depends on job content, rather than job series or title, type of appointment, or work schedule. Jobs not entirely suited for telework may contain duties that can be performed at an alternative worksite either on a regularly scheduled or episodic basis.

General Services Administration (GSA) guidelines identify several tasks and functions generally suited for telework. These include, but are not limited to:

- thinking and writing;
- policy development;
- research;
- analysis;
- report writing;
- telephone-intensive tasks; and

- computer oriented tasks (e.g., programming, data entry, data processing, word processing, web page design, etc., where not restricted due to controls prohibiting remote programming of Information Technology (IT) systems).

Positions Not Generally Eligible for Telework – Some positions, as determined by the management of each organization, involve tasks that are not suitable to be performed away from the traditional worksite. These positions are generally not eligible for telework and usually:

- require the employee to have daily face-to-face contact with the supervisor, colleagues, clients, or the general public in order to perform his or her job effectively, which cannot otherwise be achieved via email, telephone, fax or similar electronic means;
- require daily access to a classified installation or information;
- involve the construction, installation, maintenance, and/or repair of DOC facilities;
- involve the physical protection of DOC facilities or employees; and
- are part of trainee or entry-level positions.

## **SELECTING TELEWORK PARTICIPANTS**

Basic Eligibility Requirements - Although the approving official has decision authority, an employee and supervisor should work together to determine if telework is appropriate. An employee may be authorized to telework if:

- the immediate supervisor certifies that sufficient duties or work activities can suitably be performed at an alternative worksite;
- the employee's most recent performance appraisal is Level 3 or higher. Under the National Institute of Standards and Technology's (NIST) Alternative Personnel Management System (APMS), a performance appraisal rating of "Contributor" equates to a Level 3 performance rating. Under the Commerce Alternative Personnel System, a rating of "Eligible" equates to a Level 3 performance rating;
- there are no conduct issues that have resulted in disciplinary action within the last year;
- there are no leave abuses or excessive absences, and there are no additional factors, as described below, that would preclude the employee from participating; and
- the employee and supervisor sign a written telework agreement.

Additional Factors for Consideration - In determining if telework is appropriate, bureaus and operating units should establish additional factors to augment the basic eligibility requirements. These factors must be identified in the telework implementation plan. Examples of additional factors are:

- Working Without Close Supervision - The employee is capable of working without close supervision, is self-motivated and dependable in accomplishing work assignments, and can work effectively in an isolated environment.
- Clearly Defined Performance Standards - The employee has clearly defined performance standards and meets performance plan objectives.

- Organization and Time Management Skills - The employee is effective in setting work priorities and meeting deadlines.
- Contact with Others - The employee does not require face-to-face contact with the supervisor, other employees, clients, or the general public to complete his/her assignments.
- Immovable Material - The employee does not need access to materials that cannot be moved from the regular worksite.
- Equipment - The availability of Government-furnished equipment (GFE) necessary to telework. Although employees may use personal equipment to telework, the use of GFE is preferred.

Supervisors must use the Telework Assessment Tool (see Exhibit B, "Sample Telework Assessment Tool") to determine employee eligibility for consideration of telework.

Employees are also required to use the assessment tool to help determine if telework is suitable for their positions. Employees must score a 33 or above and have no more than 3 questions ranked a "2" to be considered for telework opportunities.

### **AUTHORIZED TELEWORK ARRANGEMENTS**

The Department authorizes two types of telework arrangements, based on a realization that organizational and employee needs vary considerably and should be addressed on a case-by-case basis. Some employees may desire or need only occasional periods of workplace flexibility, while others may wish to telework for longer periods under regularly scheduled arrangements. The intent is to provide individual supervisors and employees with flexibility in establishing arrangements that are responsive to unique work and personal situations. DOC employees may request one of the following telework arrangements:

- Intermittent or Episodic - Approved telework performed on an occasional, onetime, or irregular basis. Telework of less than one day per pay period is considered ad hoc.
- Regularly Scheduled - Approved telework where the eligible employee regularly works at least one day per bi-weekly pay period at an alternative worksite.

### **TELEWORK AGREEMENTS**

Approved telework participants must sign a telework agreement before participating in telework. A copy of the signed telework agreement will be provided to the person(s) responsible for maintaining telework records in the organization. For employees who telework on an intermittent basis, a separate agreement for each telework episode is not necessary if the employee has signed an agreement to telework on an intermittent basis. Individual telework agreements must be renewed at least annually. Employees who are designated essential for inclement weather or other emergencies, and/or are emergency response employees for Continuity of Operations (COOP) Plan purposes, should have signed telework agreements in place to facilitate continuity of operations in the event of emergencies.

The telework agreement (see Exhibit C, “Sample Telework Application and Agreement”) covers the terms and conditions of the telework agreement. It also constitutes an agreement by the employee to adhere to applicable guidelines and policies. The telework agreement covers items such as the voluntary nature of the arrangement; duration of the telework agreement; hours and days of duty at each worksite; responsibilities for timekeeping, leave approval and requests for overtime and compensatory time; performance requirements; proper use and safeguards of Government property and records; and standards of conduct.

## **ESTABLISHING THE WORK SCHEDULE**

For telework arrangements established on a regularly-scheduled basis, each telework agreement shall provide for a minimum number of days in the office. Employees are required to: (1) spend at least part of the week in the conventional office to minimize isolation and communication problems; (2) facilitate integration of the teleworker with co-workers in the conventional office; and (3) attend required meetings, unless specifically exempted in writing by the agency head.

Work schedules identify the days and times the employee will work in each work setting. Normally, work schedules will parallel those at the regular worksite but can be structured to meet the needs of participating employees and their supervisors. The process of establishing work schedules permits periodic adjustments to achieve an optimal schedule which can meet organizational requirements and suit employee needs. Work schedules may also include fixed times during the day for supervisor/employee telephone conversations. Establishing such times may be helpful to ensure ongoing communication. E-mail and voice mail messaging offers additional supervisor/employee communications options.

## **IDENTIFYING THE OFFICIAL DUTY STATION**

Duty Station - The teleworking employee's “official duty station” associated with the employee's position of record serves as the basis for determining certain location-based pay entitlements (such as locality payments, special rate supplements, and nonforeign area cost-of-living allowances). For pay purposes, the “official duty station” associated with the employee's position of record is usually the employee's conventional office. Specifically, if the employee is scheduled to work at least twice each pay period on a regular and recurring basis at the regular worksite, the regular worksite is the employee's official worksite. If the employee does not meet the twice a pay period standard, the official worksite is the location of the telework site. The official work site must be documented on the employee's Notification of Personnel Action (SF-50) or equivalent.

Employees whose work involves regular travel or where the employee's work location varies on a daily basis, the official duty station is the location serving as the base for the employee's work activities as determined by the employing bureau. For employees temporarily detailed to a position in a different location without a change in the position of record, the “official duty station” and associated pay entitlements are not affected.

Duty Station for Temporary Emergency Situations - When employees are teleworking from an alternative worksite during an emergency situation, such as pandemic health crisis, severe weather emergency, etc., the “official duty station” associated with the employee's position of record does not change even though the employee is not able to report at least twice a week on a regular and recurring basis to the regular worksite.

Temporary exceptions in emergency situations which permit the employee to retain the “official duty station” should generally be used only in cases where the employee is expected to: (1) stop teleworking and return to work at the regular worksite in the near future; or (2) continue teleworking but will be able to report to the regular worksite at least twice a week on a regular and recurring basis in the near future. Examples of appropriate temporary situations include:

- recovery from an injury or medical condition, or to assist with a family member's recovery from an injury or medical condition;
- an extended approved absence from work (e.g., an approved Leave Recipient under the Voluntary Leave Transfer Program, on approved absence under the Family and Medical Leave Act, etc.)
- a detail to a different work location; and
- an emergency situation preventing an employee from regularly commuting to the normal worksite, such as a severe weather emergency or a pandemic health crisis. For example, in the aftermath of a hurricane or flood, an employee may be forced to temporarily relocate, making commuting to the regular worksite twice a week on a regular and recurring basis not possible.

An employee's “official duty station” may also be changed on a temporary basis in situations not related to emergencies. For employees who are authorized to receive a relocation incentive under Title 5 U.S.C. 5737 and 41 CFR part 302-3, subpart E (“Employee's Temporary Change of Station”), in connection with a long-term assignment (i.e., 6 to 30 months), the work location for the long-term assignment is considered the “official duty station” for pay purposes. For employees temporarily reassigned or promoted to another position in a different geographic area, the temporary work location is considered the “official duty station” for pay purposes.

## **TELEWORK DURING EMERGENCY SITUATIONS**

Although a variety of circumstances may affect individual situations, the principles governing administrative leave, dismissals, and closings remain unchanged.

Dismissals/Closures - When an employing bureau/operating unit announces an early dismissal due to inclement weather to allow employees to return home and the employee is working at a GSA Telecenter, the employee will follow the dismissal procedures of the Telecenter. If the employee is working at home when an early dismissal due to inclement weather is announced, the employee shall exercise discretion as to whether he/she is capable of continuing work for the rest of the regularly scheduled shift.

When a closure due to inclement weather occurs, employees who telework will be excused (without charge to personal leave or loss of pay), if the regular office is excused. When the employing bureau/operating unit announces an early dismissal of employees for non-emergency conditions such as on the day prior to a Federal holiday, employees who telework will be excused.

Emergency at the Regular Office - When emergencies such as fires, chemical spills, disruptions of power and/or water, and/or interruptions of public transportation impact only the regular worksite and cause the early dismissal of employees, those who are working at an alternative worksite are not dismissed from duty for any part of the workday. The only exception in which supervisors may grant excused absence is if the employee's duties are such that he/she cannot continue to successfully work at the alternative worksite without contact with the regular office.

Emergency at the Alternative Worksite - When an emergency affects only the alternative workplace for a major portion of the workday, the employee is expected to report to the regular office or request supervisory approval of annual leave, compensatory time, compensatory time off for travel, if applicable, credit hours if on a flexible work schedule, or leave without pay. However, on a case-by-case basis, an agency may excuse, without charge to personal leave or loss of pay, a telework employee from duty during an emergency if: (1) the emergency adversely affects the telework site; (2) the teleworker is unable to access the alternative telework site or center; or (3) the teleworker's duties are such that he/she cannot continue to work without contact with the regular worksite. When an employee knows in advance of a situation that would preclude working at the alternative workplace (e.g., a scheduled power outage, etc.) the employee must either come to the regular office or request leave.

Essential Employees - If an employee occupies a position deemed essential (these designations may vary based on the nature of the emergency) for inclement weather or natural or man-made emergencies, and/or is an emergency response employee for COOP purposes, management, along with the employee and supervisor, should make advance and/or situational decisions as to whether the employee must physically report for duty or can work from home or an alternative worksite. For example, if the purpose of the employee reporting for duty at the office is to provide policy guidance or to notify specific individuals of emergency requirements; this may be accomplished from home, provided the employee has access to the resources necessary to perform the required services. However, in some cases, the only way to obtain the services of the employee may be through telework from an alternative worksite. For example, if an inclement weather or other emergency situation results in a shut down of transportation, but phone lines remain working, the employee may have to work from home, rather than reporting to the regular office or COOP site.

Teleworkers can be required to work during emergency closures or other emergencies, including pandemics and for COOP purposes, on any day when the agency is closed by an emergency even if that day is not a regular telework day or a day with specific approval for



situational/episodic telework. Teleworkers may also be required to perform duties outside of their usual or customary duties to ensure continuation of agency-essential mission or activities.

## **HOURS OF DUTY, TIME AND ATTENDANCE, AND OTHER MISCELLANEOUS ISSUES**

Hours of Duty and Alternative Work Schedules - Normally, employees who telework will work the same schedules that they work in the regular office, including compressed or flexible schedules under an approved Alternative Work Schedule plan. Work schedules may be changed with supervisor approval and in accordance with established procedures. Completely unstructured arrangements where employees work at the alternative worksite, at will, are not permitted. See the Department's Handbook on Hours of Duty and Leave Administration at <http://hr.commerce.gov/index.htm>.

Recording Telework Hours and Control of Time and Attendance - Proper recording, monitoring, and certification of employee work time is critical to the success of the program. Employees and/or timekeepers are responsible for recording all telework time, including intermittent or episodic, in the Department's time and attendance system, webTA, to reflect telework at the home-based office or an alternative worksite. Telework at the home-based location is recorded as "Telework – Home" and telework at an alternative site is recorded as "Telework – Alt. Site." The General Accountability Office guidelines require that agencies establish a time accounting method that provides the supervisor with reasonable assurance that employees are working when scheduled. Some approved techniques, which could be applicable to telework arrangements, include: (1) occasional supervisory telephone calls or e-mails to an employee during times the employee is scheduled to be on duty; (2) occasional visits by the supervisor to the employee's alternative worksite; and (3) determining reasonableness of work output for time spent.

Overtime Work - In accordance with Departmental pay policy, overtime must be approved in advance to preclude any unintended liability for premium pay. Employees who telework must have prior supervisory approval to work beyond their normal hours of duty. Failure to obtain supervisory approval may result in the termination of the telework arrangement. See the Department's Premium Pay Manual at [http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01\\_006180](http://hr.commerce.gov/Practitioners/CompensationAndLeave/DEV01_006180).

Leave - Procedures for requesting leave remain unchanged. Employees are responsible for obtaining leave approval in advance and keeping timekeepers informed of leave usage, if the timekeeper is recording the employee's biweekly pay and leave information. See the Department's Handbook on Hours of Duty and Leave Administration, Leave Policies (added) at <http://hr.commerce.gov/Practitioners/CompensationAndLeave/index.htm>.

Workplace Environment - Any employee participating in telework is expected to perform his/her duties and responsibilities at the telework location at a proficiency level equal to or

greater than when performed onsite and work for the entire time period scheduled. Consequently, it is critical that the alternative worksite be free from distractions and the employee free from obligations which would impair his/her ability to provide the same time and level of attention to the work product as when on site.

Dependent/Elder Care - No telework arrangement is authorized which entails the employee providing day care to any individual.

Workers' Compensation - Employees who telework are covered by the Federal Tort Claims Act or the Federal Employees Compensation Act and qualify for continuation of pay for workers' compensation for injuries sustained while performing their official duties. This is one reason that it is vital that a specific authorized work location must be identified in advance and adhered to by the employee. (See discussion on "Facilities and Equipment Issues.")

The supervisor's signature on the request for compensation attests only to what the supervisor can reasonably know, whether the event occurred at the conventional work site or at an alternative worksite during official duty. Under normal circumstances, supervisors are often not present when an employee sustains an injury. Employees, in all situations, bear responsibility for informing their immediate supervisor of an injury at the earliest time possible, visiting the health unit or seeking appropriate medical attention, and filing the appropriate workers' compensation claim form. See [http://hr.commerce.gov/Employees/WorkLifeIssues/DEV01\\_006457](http://hr.commerce.gov/Employees/WorkLifeIssues/DEV01_006457) for additional information.

Telework arrangements for employees who currently are receiving continuation of pay or workers' compensation can help put them back to work and take them off the workers' compensation rolls. Also, supervisors may be able to find work that such employees are able to perform at home, or restructure existing work so that some of it may be completed at home.

## **REPORTING REQUIREMENTS**

Bureaus and operating units are required to report to OHRM on the status and success of their telework programs. Reports providing the following information are to be provided to the OHRM's Telework Program Manager on a calendar year quarterly basis (i.e., January through March, April through June, etc.): (1) total population; (2) number of employees eligible for telework; (3) percentage of employees eligible for telework; (4) number of eligible employees actually teleworking; (5) percentage of eligible employees teleworking (or the participation rate), and the number of employees who were denied telework and the reason for each denial. Bureaus and operating units must also provide telework information to the OHRM for inclusion in the OPM's Annual Telework Survey. The sources of the data reported for quarterly and annual reports must be included with all submissions to ensure consistency in reporting. Additional data may be required on an ad-hoc basis to respond to Congressional or executive management inquiries on telework.

## **FACILITIES AND EQUIPMENT**

Home Alternative Office - In the employee's home, a specific work location for performance of work-at-home duties must be identified and authorized in advance.

Requirements will vary depending on the nature of the work and the equipment needed to perform the work. At a minimum, employees should be able to easily communicate by telephone with the supervisor, coworkers, and serviced clients during the work-at-home day(s). In addition, employees are responsible for verifying and ensuring that their home work areas comply with health and safety requirements (see Exhibit D, "Sample Safety Checklist"). Home work areas must be clean and free of obstructions, in compliance with all building codes, and free of hazardous materials. An employee's request to telework may be disapproved or rescinded based on safety problems or the presence of hazardous materials. A supervisor or designated safety official may inspect the home office for compliance with health and safety requirements when deemed appropriate.

Government-Furnished Equipment (GFE) - Bureaus and operating units will establish their own procedures regarding the purchase or transfer and installation of GFE for its employees who telework. Bureaus/operating units are under no obligation to provide GFE to their employees solely for the purpose of teleworking; however, the use of GFE is preferred. Bureaus/operating units may provide certain items and services for the teleworker as follows:

- new or used furniture or excess furniture from their offices or another agency for alternative worksites as long as it is clear that: (1) the furniture continues to belong to the government; and (2) there is an audit trail indicating the location of the furniture;
- telecommunications equipment and services (either providing for or purchasing using appropriated funds) for: (1) installing telephone lines; (2) fax machines; (3) internet services; (4) broadband services; (5) e-mail services; (6) voice over IP equipment and services; (7) desktop videoconference equipment and services; and (8) any other telecommunications equipment and services the bureau or operating unit deems needed by individuals working in home-based sites. Appropriated funds may also be used to pay the monthly charges for this equipment and services in the private residence of teleworking employees.

Bureaus and operating units may not reimburse employees for the utility costs (e.g., heating, air conditioning, lighting, and the operation of government-furnished data processing) for residential (home-based) alternative worksites. Utility costs include the monthly service charges for telephone, cable, or Internet service connection providers. Government calling cards may be used by teleworking employees to make long distance telephone calls to conduct official government business.

If the employee furnishes his/her own workstation at home, the government will not reimburse the employee for the purchasing costs of the equipment/workstation. For this reason it is recommended that employees use only Commerce-provided web-enable email when teleworking. In addition, the employee is responsible for the maintenance, repair, and

replacement of such equipment. Note: A typical workstation requires the following: (1) a personal computer; (2) telecommunications software; (3) Internet service; (4) Internet browser software; (5) anti-virus software; (6) personal computer firewall, and (7) general purpose software (e.g. word processing, spreadsheet, presentation graphics, etc.) (See the discussion on “Privacy Act, Sensitive Information and Highly Sensitive Information” for additional information about security when using a personal computer or laptop.)

Relocation – Bureaus or operating units that require an employee to relocate are fully responsible for the relocation and re-setup of any associated alternative worksite workstation and/or equipment. If an employee relocates on his/her own, then the determination of the responsibility for the relocation and re-setup of alternative worksite equipment and/or workstation is within the discretion of the bureau or operating unit.

Equipment - Government-furnished equipment is to be licensed only for official business and the Government retains ownership and control of the hardware, software and data. The Government is responsible for the maintenance, repair, and replacement of such equipment. Teleworking employees must notify their supervisors immediately of any malfunction of GFE.

Only a hardware and software configuration procured by the Government and authorized by the approving official for the telework agreement are authorized to be installed on the Government-owned computers. Under no circumstances will employees be allowed to add non-Government owned or unauthorized hardware or software to the Government-owned computer.

Computer Software Copyrights - Where individual license agreements allow for computer software to be installed on multiple computers, as long as only one is in use at any given time, employees may install Government-licensed computer software on the home office computer to perform official work. Each software manufacturer's license agreement's terms must be examined on a case by case basis to determine whether or not this is permissible by the operating unit Chief Information Officer who will consult with the Office of General Counsel on the interpretation of any license. This will reduce out-of-pocket expenses for the employee, while expanding the nature of work that may be performed at the home alternative office.

If the teleworking employee is using his/her personal computer equipment at home, the employee is responsible for the purchasing, servicing, and maintenance costs associated with that equipment. The Government will not reimburse employees for such costs.

Telecenters - A telecenter is a work location usually in a different place than the organization's main office that provides convenient access for telecommuting. An “authorized telecenter” is a center that is established by the GSA. For a fee (per work station, per month, and depending on location), employees will have access to a wide array of up-to-date equipment, including modular work stations, a telephone with local and FTS 2000 service, a high-speed computer with a color monitor and modem, laser printer, fax machine, multi-function copier, conference and storage space.

In accordance with the Office of Management and Budget (OMB) and the GSA, payment for use of a telecenter will be made via an Interagency Agreement (IAA), processed through the Interagency Transaction Processing (IPAC) system. Bureaus are responsible for establishing one agreement for all its operating units. Bureaus must also provide the obligating document numbers on the IAA provided in the Telework On-Line Billing System, TOLBS, available at <http://www.tolbs.com>. All costs must be absorbed within allocated operating budgets.

Teleworkers must register to telework at a Federal telecenter using TOLBS. Once a teleworker has completed his/her on-line registration and the registration is approved, TOLBS will email the approved registration receipt which validates and approves reimbursement of telecenter services to GSA.

A listing of GSA Telework Centers in the Washington, D.C., metropolitan area can be found at <http://www.wmtc.org/Locations.htm>.

### **PRIVACY ACT, SENSITIVE INFORMATION, AND HIGHLY SENSITIVE INFORMATION**

Care must be taken to ensure records subject to the Privacy Act, Sensitive Information, and Highly Sensitive Information are not disclosed to anyone except those who are authorized access to perform their duties. Decisions regarding the proper use and handling of Sensitive Information will be made by the individual supervisors who permit employees to work at home or an alternative worksite. Information is generally classified into the following groups:

Non-Sensitive Information – This type of information is usually available without restriction or retrieval access.

Sensitive Information - Some of this information is sensitive personal information, and should be subject to the Privacy Act in the same way as other personal information. This type of information may include:

- Personally Identifiable Information (PII) that relates to an individual. OMB issuance M-06-19 (dated July 12, 2006) defines PII as “any information about an individual maintained by an agency, including, but not limited to: (a) education, financial transactions, medical history, and criminal or employment history; and (b) information which can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, race, gender, mother's maiden name, and biometric records, etc., including any other personal information which is linked or linkable to an individual.” However, not all information directly or indirectly related to an individual is PII. Examples of information related to an individual that is not PII includes office address or telephone number, home address or telephone number (including unpublished numbers), business or personal email address, education history separately available in publicly released or releasable records, and employment history separately available in publicly released or releasable records.”

- Information concerning a company, society, or other organization (also known as Business Identifiable Information).
- Controlled Unclassified Information, Title 13, Title 26 and Title 35 information which are legally protected are covered under the Sensitive Information category.

Highly Sensitive Information - This information is subject to the most stringent security and access control rule. This type of information can be categorized as: (1) for Official Use Only (FOUO); (2) Sensitive - Limited Official Use; and/or (3) Organizational Sensitive Information. Classified information that requires Confidential, Secret, or Top Secret security clearances for protecting National Security Information is included in this category. Highly Sensitive Information may only be transmitted or removed from official worksites by classified networks or authorized official couriers. This type of information may not be used or accessed in any manner by employees who are teleworking.

Sending and Accepting Data While on Telework - Employees who telework may only transmit or accept Sensitive Information: (1) as an encrypted file attachment in accordance with NIST FIPS 140-2 standards; (2) through a secure file transfer protocol with a 128 bit encryption or greater; or (3) through a shared drive having group folders with limited access rights and/or with limited/temporary read abilities to copy data. (See OMB issuance M-06-19, dated July 12, 2006.)

Accessing Data While on Telework - Any Sensitive Information requiring access when teleworking may only be done so on an encrypted Government-issued computer or laptop. This includes accessing PII through Departmental systems, databases, or files including, but not limited to the: (1) National Finance Center (NFC); (2) QuickHire; (3) e-OPF; and in some cases (4) webTA. Some systems may require a Citrix or a virtual private network (VPN) connection due to the IP restriction on some systems. Also, Safeboot must be installed on the computer or laptop, whether government-owned and issued or personal. Under no circumstances may Sensitive Information be printed while teleworking.

File Storage While on Telework – Sensitive Information is not to be stored on any personal or home computer, external or removable devices/media, including but not limited to, flash drives, memory keys, thumb drives, floppy disks, CDs, DVDs, or at any Internet Web site or other web-accessible location not controlled by a Commerce bureau or operating unit.

## **TELEWORKING INFORMATION TECHNOLOGY SECURITY POLICY**

The Department's Chief Information Officer (CIO) is responsible for issuing and maintaining policies and minimum implementation standards for remote access security, which includes access to IT systems required for telework. These policies and minimum implementation standards outline responsibilities of bureau or operating unit CIOs as well as teleworkers to enable an effective working environment for the teleworker and the protection of Department systems from undue risk. Operating unit CIOs, with the support of their IT security officers, are responsible for establishing teleworking IT security procedures specific to their operating unit and providing secure telecommuting resources

and operational controls commensurate with the sensitivity of the data processed and with policies and minimum implementation standards provided by the Department's CIO.

Supervisors are responsible to ensure that teleworkers agree to comply with all existing security policies and procedures, including IT security. Teleworkers also agree that their responsibilities described in Section 2.1.13 of the Department's IT Security Policy and Minimum Implementation Standards remain in effect while on telework status. Other pertinent bureau or operating unit policies on IT security may also exist and supervisors are responsible for ensuring that teleworkers agree to follow all applicable policies in place.

The workplace and workstation must be set up to afford secure information processing, including the proper storage of sensitive information in both electronic and paper form. The teleworker, following bureau or operating unit policies, must minimize security vulnerabilities to the workstation and the Departmental network.

### **TELEWORK TRAINING**

Training sessions on the basics of the Department's Telework Program will ensure a common understanding of its requirements. Participating employees must complete the OPM's on-line training course "Telework 101 for Employees" available at <http://www.telework.gov/> or via the Commerce Learning Center at [http://www.hr.commerce.gov/Employees/TrainingandDevelopment/DEV01\\_006037](http://www.hr.commerce.gov/Employees/TrainingandDevelopment/DEV01_006037) which outlines the basic concepts, skills, and processes in the telework program and obtain a certificate of training prior to participation. Supervisors must complete OPM's "Telework 101 for Managers" (see above sites) and obtain a certificate of training. Training is to be conducted annually and a record of the required training must be attached to the Telework Agreement.

Employees and supervisors are also required to complete IT Security and Awareness Training on an annual basis. Additional training may be determined and required by the bureau/operating unit and/or the servicing human resources office.

### **PREPARING FOR THE TELEWORK ARRANGEMENT**

The following actions are to be taken when establishing a telework arrangement:

- The interested employee submits a completed application to their immediate supervisor (see Exhibit C, Sample Telework Application and Agreement).
- The employee and supervisor discuss the proposed telework agreement and the type of work to be completed by the employee at an alternative worksite.
- If a suitable arrangement is reached, the employee and supervisor complete the sample Telework Assessment Tool, the Telework Application and Agreement, the Safety Checklist if the alternative worksites is in the employee's home, and complete the

required training. Once the above are completed, the Telework Agreement is signed by the employee, immediate supervisor, and the telework approving official.

- Employees are to obtain information (from bureau or operating unit help desks) and implement all procedures for accessing the secured operations of the conventional office.

If the alternative worksite is a federal telecenter, arrangements must be made to reserve a work station for the employee at the desired telecenter via the GSA's TOLBS (see discussion on "Facilities and Equipment").



## SAMPLE TELEWORK TERMINATION FORM

The telework option is a privilege and not an employee right. As such, it falls under the supervisor's discretion to determine how work should be accomplished with the organization. Termination from the telework agreement can be either voluntary or involuntary.

This is notification that the telework agreement, which was signed on \_\_\_\_\_ is no longer in effect and is hereby terminated.

Termination is based on (check one):

- ☐ Voluntary Withdrawal
- ☐ Involuntary Withdrawal

If telework is involuntarily terminated, the decision is based on:

- ☐ Requirements of the current work assignment
- ☐ Reassignment or change in duties
- ☐ Lack of sufficient office coverage
- ☐ Failure to maintain employee eligibility standards
- ☐ Breach in Information Technology Security policies and/or procedures
- ☐ Other (please specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Receipt Acknowledged**

\_\_\_\_\_  
**Employee's Signature and Date**

\_\_\_\_\_  
**Supervisor's Signature and Date**

### SAMPLE TELEWORK ASSESSMENT TOOL

The decision to telework should be based on the ability of an employee to work in a setting that may be in his/her home, a telework center, or a Federal facility other than the regular office, without immediate supervision. The following tool is to be used by the supervisor as a basis for discussing the option and appropriateness of telework for a particular employee. Employees are also required to use the assessment tool to help in determining if telework is suitable for their positions.

**Please rate yourself or your employee, using the following scale:**

5 - Always	4 - Usually	3 - Sometimes	2 - Rarely	1 - Never
1. Employee works without regular monitoring/supervision.				<input type="checkbox"/>
2. Employee is comfortable working alone.				<input type="checkbox"/>
3. Employee independently identifies required work products.				<input type="checkbox"/>
4. Employee successfully plans work production schedule.				<input type="checkbox"/>
5. Employee communicates hindrances to successful completion of a task or project in sufficient time to allow for alterations that improve the opportunity for success.				<input type="checkbox"/>
6. Employee is knowledgeable about your organization's procedures/policies.				<input type="checkbox"/>
7. Employee is fully aware of Departmental information technology security.				<input type="checkbox"/>
8. Employee meets deadlines.				<input type="checkbox"/>
9. If telework will be in the employee's residence, the residence has an appropriate work environment.				<input type="checkbox"/>
10. Employee is willing to provide his/her own equipment if Government- furnished equipment is not available.				<input type="checkbox"/>
11. Employee is computer literate.				<input type="checkbox"/>
12. Employee has successfully completed the Office of Personnel Management's on-line telework training course.				<input type="checkbox"/>

The employee's most recent rating of record is a Level 3 or higher? ( ) Yes ( ) No

## SAMPLE TELEWORK APPLICATION AND AGREEMENT

**Section I - To be Completed by the Employee**

Date of Request: \_\_\_\_\_ Proposed Start Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_ Organization: \_\_\_\_\_ Telephone: \_\_\_\_\_

Grade or Pay Band: \_\_\_\_\_

Supervisor's Name and Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address, Telephone, and Description of Alternative Worksite: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Description of Work to be performed at Alternative Worksite (e.g., updating policy,  
preparing briefing materials and talking points, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Equipment Needed to Perform Work at Alternative Worksite: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Equipment Furnished by the Employee: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Equipment Furnished by the Agency: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Type of Telework: ( ) Regularly Scheduled ( ) Intermittent ( ) For Continuity of  
Operations or Emergency PurposesWork Schedule Including AWS Day Off (If Applicable): \_\_\_\_\_  
\_\_\_\_\_

Telework Days at Alternative Worksite: \_\_\_\_\_

I certify that I have completed telework training and the Telework Assessment Tool \_\_\_\_\_

Employee's Signature and Date: \_\_\_\_\_

**Section II - To be Completed by the Approving Official**Approved: ( ) Disapproved: ( ) Reason Not Approved: \_\_\_\_\_  
\_\_\_\_\_I certify that the employee's most recent rating of record is a Level 3 or higher and that I  
have completed telework training and the Telework Assessment Tool: \_\_\_\_\_

Supervisor's Signature and Date: \_\_\_\_\_

## TERMS AND CONDITIONS

**Voluntary Participation** – The applicant voluntarily agrees to work at the approved alternative workplace indicated above and to follow all applicable policies and procedures. The applicant recognizes that the telework arrangement is a privilege, not a right.

**Salary and Benefits** - The supervisor and applicant agree that a telework arrangement is not a basis for changing the applicant's salary or benefits.

**Official Duties** - The applicant agrees not to conduct personal business while in an official duty status at the alternative work place (e.g., caring for dependents or making home repairs, etc.).

**Time and Attendance** - The supervisor agrees to certify the bi-weekly webTA for hours worked/leave taken, ensuring that telework hours are accurately recorded, and to make sure that the applicant's timekeeper has access to the applicant's webTA. (See discussion on “Hours of Duty, Time and Attendance, and Other Miscellaneous Issues”.)

**Leave** - The applicant agrees to follow established office procedures for requesting and obtaining approval for leave.

**Overtime** - The applicant agrees to work overtime only when approved in writing or via webTA and in advance by the supervisor, and understands that claimed overtime work without such approval may result in termination of the telework privilege.

**Alternative Worksite Costs** - The employee understands that the Government will not be responsible for any operating costs that are associated with the use of the employee's home as an alternative worksite, for example, home maintenance, insurance or utilities. (See discussion on “FACILITIES AND EQUIPMENT” for covered costs). The employee also understands that any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute or regulation, is not relinquished by this agreement.

**Equipment/Supplies** - The employee agrees to protect any government-owned equipment and to use the equipment only for official purposes. Should the agency agree to provide government-owned equipment to the employee for the purposes of telework, they may install service and maintain such equipment, as necessary. The employee agrees to install, service, and maintain any personal equipment used. The agency agrees to provide the employee with all necessary office supplies and also reimburse the employee for business-related long distance telephone calls. (See discussion on “Facilities and Equipment”.)

**Security** - The applicant agrees to follow all existing security policies and procedures, including IT security. The applicant certifies that he/she has read and agrees to comply with the Department's Remote Access Security Policy and Minimum Implementation Standards and supplemental operating unit remote access implementation guidance. The applicant agrees that his/her responsibilities described in Section 2.1.13 of the Department of Commerce IT Security Program Policy and Minimum Implementation Standards remain in effect while on telework status. Decisions regarding the proper use and handling of Sensitive Information will be made by the individual supervisors who permit employees to work at home or an alternative worksite. Supervisors and teleworkers agree that Highly Sensitive Information will not be worked on at any off-site location.

**Liability** - The applicant understands that the government will not be held liable for damages to his/her personal or real property while he/she is working at the approved alternative worksite,

## TERMS AND CONDITIONS

except to the extent the government is held liable under the Military Personnel and Civilian Employees Claims Act and the Federal Tort Claims Act.

**Alternative Worksite Inspection** - The employee agrees to permit the Government to inspect the alternative worksite during the employee's normal working hours to ensure proper maintenance of Government-owned property and conformance with safety standards. This is in addition to the self-certification that the employee must complete.

**Work Area** - An applicant working at home agrees to provide a designated work area adequate for performance of official duties.

**Injury Compensation** - The applicant understands that he/she is covered under the Federal Employees Compensation Act if injured in the course of actually performing official duties at the alternative worksite. The applicant agrees to notify his/her supervisor immediately of any accident or injury that occurs at the alternative workplace and to complete any required forms. The supervisor agrees to investigate such a report as soon as possible.

**Work Assignments/Performance** - The employee agrees to complete all assigned work according to guidelines and standards in the employee performance plan. The applicant and supervisor agree to exercise good communication skills and work cooperatively to obtain a common understanding of expectations and desired results, and set reasonable and measurable objectives for work to be accomplished. The employee agrees to provide regular reports if required by the supervisor to help judge performance. The employee understands that a decline in performance may be a basis for terminating or modifying the telework arrangement.

**Disclosure** - The applicant agrees to protect government records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, 5 USC 552(a), and those outlined in the DOC Telework Program section "Privacy Act, Sensitive Information, and Highly Sensitive Information".

**Standards of Conduct** - The applicant agrees that he/she is bound by official standards of conduct while working at the alternative worksite.

**Cancellation** - The applicant understands that the organization may cancel the telework arrangement and instruct him/her to resume working at the office. If the applicant elects to voluntarily withdraw from the program, he/she is expected to give sufficient notice so that arrangements can be made to accommodate his/her return to a regular work schedule and he/she must complete the Telework Termination Form.

**Compliance with This Agreement** - The employee's failure to comply with the terms of this agreement may result in the termination of this agreement and the telework arrangement. Failure to comply also may result in disciplinary action against the employee if just cause exists to warrant such action.

**Term** - Unless canceled or terminated earlier by either the employee or the employer, this agreement shall expire on \_\_\_\_\_, unless renewed by agreement of the employee and the employer.

**AGREEMENT**

**Applicant's Certification** - By signing this agreement, the applicant certifies that he/she has read the terms of this agreement and agrees to follow the policies and procedures outlined in them as well as all other applicable policies and procedures.

**Supervisor's Certification** - By signing this agreement the immediate supervisor of the employee certifies that the position of the applicant is suitable for telework and that the applicant is personally eligible for telework.

## SAMPLE SAFETY CHECKLIST

This checklist is to be completed only if the proposed alternative worksite is in a private residence. This checklist is designed to assess the overall safety of the designated work area of the alternative worksite. Each applicant should read and complete the self-certification safety checklist. Upon completion, the checklist should be signed and dated by the applicant and submitted to the immediate supervisor.

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address, Telephone, and Location of Alternative Worksite: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the Designated Work Area:

1. Are stairs with four or more steps equipped with handrails? ☐ Yes ☐ No ☐ N/A
2. Are aisles, doorways, and corners free of obstruction? ☐ Yes ☐ No ☐ N/A
3. Are file/storage cabinets arranged so that open doors/drawers do not create obstacles?  
☐ Yes ☐ No ☐ N/A
4. Is the office space neat, clean, and free of combustibles? ☐ Yes ☐ No ☐ N/A
5. Are phone lines, electrical cords, and surge protectors secured under a desk or alongside a baseboard? ☐ Yes ☐ No ☐ N/A
6. Are circuit breakers/hoses in the electrical panel properly labeled? ☐ Yes ☐ No ☐ N/A
7. Is electrical equipment free of recognized hazards that could cause physical harm (e.g., frayed, loose and/or exposed wires, bare conductors, etc.?) ☐ Yes ☐ No ☐ N/A
8. Does the building's electrical system permit grounding of equipment (i.e., have a three-prong receptacles)? ☐ Yes ☐ No ☐ N/A
9. Is there a smoke alarm and clear access to a fire extinguisher? ☐ Yes ☐ No ☐ N/A

By signing this document, the applicant certifies that all of the above applicable questions were answered in the affirmative or, if answered in the negative, that the applicant will take all necessary corrective actions to eliminate any hazard prior to beginning telework.

Applicant's Signature and Date: \_\_\_\_\_